



Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER
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THROUGH: LINDA EDWARDS, AICP, PLANNING MANAGER
(480) 503-6750, LINDA.EDWARDS@GILBERTAZ.GOV *LE*

MEETING DATE: APRIL 2, 2014

SUBJECT: UP13-24: DUNKIN DONUTS; A CONDITIONAL USE PERMIT FOR APPROXIMATELY 1.35 ACRES OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HIGLEY AND RAY ROADS TO ALLOW LIMITED SERVICE RESTAURANT(S) WITH EXTENDED HOURS OF OPERATION IN NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Economic Development

Allow for a variety of commercial uses in the Town and allow new limited service restaurants in the Neighborhood Commercial (NC) zoning district.

RECOMMENDED MOTION

Move to make the Findings of Fact and Approve UP13-24 Dunkin Donuts: A request for a Conditional Use Permit to allow Limited Service Restaurant(s) with Extended Hours of Operation in the Neighborhood Commercial (NC) zoning district with a Planned Area Development (PAD) overlay, on a 1.35 acre site located at the southwest corner of Higley and Ray Roads, subject to conditions.

APPLICANT/OWNER

Bar Napkin Productions, LLC.
Haley Balzano
808 E. Osborn Rd., Suite 101
Phoenix, AZ 85014
V: 602-492-9494
haley@bnp-llc.com

Camelback Partners Group LLC.
Aaron Klusman
450N. McClintock Dr., Suite 102
Chandler, AZ 85226
V: 602-980-4184
E: aklusman@camelbackpartners.com

BACKGROUND/DISCUSSION

History

Date	Action
<i>July 22, 2003</i>	Town Council approved A02-18 (Ord. No. 1500), annexing the overall 568 acre Lyons Gate Development, including the subject site.
<i>July 22, 2003</i>	Town Council approved GP02-12 and Z02-32 to establish the Land Use Category and Zoning districts for the 568 acre Lyons Gate Development.
<i>Dec. 14, 2006</i>	Design Review Board approved DR06-29 Higley Court, a two building, 12,205 sq. ft. specialty retail shops project on this property, however, no development has occurred and the approval has expired.
<i>Feb. 5, 2014</i>	The Planning Commission reviewed UP13-24: Dunkin Donuts at Study Session. (See Planning Commission Feb. 5, 2014 comments below.)
<i>Mar. 5, 2014</i>	The Planning Commission continued UP13-24: Dunkin Donuts to allow for reposting of the Notice of Public Hearing sign on the site.

Site Plan:

The commercial site contains existing right-in, right out accesses from both Higley Road to the west and Ray Road to the north. No vehicle access is provided to the adjacent Alexon Apartments complex along the east and south sides of the site. The proposed rectangular retail building will have the longest side facing west toward Higley Road with a narrower portion oriented toward Ray Road to the north. The entrances to the restaurants will be located along the west side of the building. Dunkin Donuts will comprise approximately 2,200 sq. ft. and Zoyo's Yogurt about 1,500 sq. ft. The request includes a drive-through lane along the east side (rear) of the building with the menu board, order station and pay and pick-up window. The applicant states that speakers are low level and will orient sound toward the vehicle placing the order so as not to impact surrounding uses.

The drive-through lane will maintain the minimum required, 50 ft. residential property setback distance along the east and south sides with 120+ ft. provided; and will contain stacking for 6 vehicles, including the pick-up window space, while 4 stacking spaces are required. Zoyo's does not utilize the drive-through lane and Dunkin Donuts will encompass the entire north and east sides of the building. Full two-way access is provided around the building and parking is situated along the west and east sides of the property. A total of 38 parking spaces are provided

and 37 spaces are required. Large, 350 sq. ft. outdoor patios are depicted along the northwest and south sides of the building to serve Dunkin Donuts and Zoyo's, respectively. The Traffic Engineering Department has indicated that the site accesses, vehicle circulation and drive-through lane appear to be satisfactory.

The request for extended Hours of Operation, beyond the standard 6 AM to 11 PM that is allowed in the Neighborhood Commercial district, is also included with this Use Permit application. The applicant is requesting that the allowed hours be extended in the morning, with operations to commence at 4 AM. Evening hours to 11 PM will be maintained. The 4 AM hour reflects the opening and operation of the store necessary to accommodate early customers traveling to work using arterial streets and the freeway ½ mile to the north.

The site provides the required 50 by 250 ft. arterial intersection open space and also maintains the minimum 15 ft. landscape areas adjacent to the apartment center to the south and east.

Findings:

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

The proposed limited service restaurant(s) with extended hours of operations for Dunkin Donuts and Zoyo's Neighborhood Yogurt are situated at the southeast corner of Higley and Ray Roads in the Neighborhood Commercial (NC) zoning district with PAD overlay. The site has arterial road frontage along the north and west sides and abuts the Alexion Apartments toward the south and east sides. The proposed limited service restaurant(s) are reasonably consistent and compatible with adjoining land uses and provide adequate separation distance and buffering from the Multi-family/ Medium (MF/M) residential neighborhood to the south east. These limited service restaurant(s) with drive-through lane and extended hours of operation are a suitable land use and do not cause a detrimental effect to the health, safety or general welfare to people working and residing in this area.

2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.

The General Plan Land Use Element describes Neighborhood Commercial as;

"Areas providing for limited shopping and basic services for the immediate area and are generally no larger than 5 acres."

Land Use Element Policy 5.3 is to;

"Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets."

This NC site permits greater than normal separation distances and buffering to reduce impacts from the proposed restaurant(s) and drive-through lane upon neighborhoods and other uses in this area.

3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

The limited service restaurant(s) with extended hours of operation conform to the intent of the Neighborhood Commercial (NC) zoning district; where NC sites are situated along arterial and collector roads and provide small scale retail and service uses with less than 25,000 sq. ft. per individual use or user.

Integration of suitable land uses to reduce adverse impacts is a primary consideration. The request conforms to this policy and to the adjoining Alexon Apartments to the south and east.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

The limited service restaurant(s) with drive-through lane and extended hours of operation conform to the standards of the Land Development Code (LDC) and are suitable uses at an appropriate location at this existing commercial corner. LDC Section 2.305 C. Drive-Through Facilities, requires drive-through lanes be a minimum of 50 ft. from residentially designated property, while this proposed drive-through lane is 120+ ft. from the MF/M property to the south and east. The request for extended hours of operation from the established NC District hours of 6:00 AM - 11:00 PM to 4:00 AM - 11:00 PM is reasonable and recognizes the proximity to arterial streets and the freeway ½ mile to the north. The site has a separation distance from the adjoining Alexon Apartments, which exceeds 120 ft. to the actual buildings or outdoor patios. Other aspects related to the order station, site access, circulation, parking, setbacks, and drive-through lane queuing and site buffering are met. The proposed project complies with all Town standards and requirements.

Pursuant to the above analysis, Staff is of the opinion that the project meets the four findings required for granting the Conditional Use Permit.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

Staff has received one phone call from a neighbor indicating support for this case.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site on December 13, 2013, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

PLANNING COMMISSION FEBRUARY 5, 2014 STUDY SESSION COMMENTS

The Planning Commission inquired about the possible impact of headlights on adjoining property. The applicant indicates that a 4 ft. wide landscape island is located adjacent to the drive-through lane and will help reduce impacts of activities related to vehicle stacking, ordering and pick-up.

Planning Commission members asked about the reasons for the Extended Hours of Operation, beyond the standard hours of 6 AM to 11 PM for the Neighborhood Commercial (NC) District. The applicant indicates that the request is for extended hours in the morning only, with the store and drive-through lane operations beginning at 4 AM. This proposed time reflects the need to open the store and be available to meet the needs of early morning customers traveling to work.

Commission members inquired about speaker noise and if levels are low enough so as not to impact adjoining properties. The applicant indicates that speakers are low level and contain adapters orienting sound at the vehicle making the order. The combined menu board and order speaker is located at the southeast corner of the building and oriented to the deepest part of the subject lot and away from the nearest building to the southeast of the site.

Members inquired whether there will be a site wall around the subject site. The applicant indicates that there will be a 6 ft. tall CMU site wall around the site and in addition, a landscape buffer will be provided around the south and east perimeter of the site to help buffer the adjoining apartment from the use.

STAFF RECOMMENDATION

Move to make the findings of fact and approve UP13-24 Dunkin Donuts: a Conditional Use Permit to allow Limited Service Restaurant(s) with Extended Hours of Operation in the Neighborhood Commercial (NC) zoning district with a PAD overlay, on a 1.35 acre site located at the southeast corner of Higley and Ray Roads, subject to the following conditions;

1. The Dunkin Donuts and second smaller limited service restaurant shall be in substantial conformance with the Site Plan shown in Attachment 3 as approved by the Planning Commission on April 2, 2014.
2. Hours of operation for the Dunkin Donuts restaurant and drive-through service window are permitted to be from 4:00 AM to 11:00 PM daily.
3. The site shall provide a 6 ft. tall CMU site wall along the perimeter of the property adjacent to the south and east sides of the site.

Respectfully submitted,



Catherine Lorbeer, AICP
Principal Planner

Attachments:

1. Findings of Fact
2. Notice of Public Hearing
3. Aerial Photo, 3b. Site Plan Overlay
4. Site Plan
5. Project Narrative

FINDINGS OF FACT

UP13-24 Dunkin Donuts located at the southeast corner of Higley Road and Ray Road in Neighborhood Commercial (NC) zoning district with a PAD overlay zoning district.

Staff provides the following findings of facts, subject to the conditions of approval provided below, to substantiate approval of the project:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

Notice of Public Hearing

UP13-24: Dunkin Donuts
Attachment 2 - Notice of Public Hearing
April 2, 2014

Planning Commission Date:

Wednesday, April 2, 2014* TIME: 6:00 PM

LOCATION: Gilbert Municipal Center, Council Chambers
50 E. Civic Center Drive
Gilbert, Arizona 85296

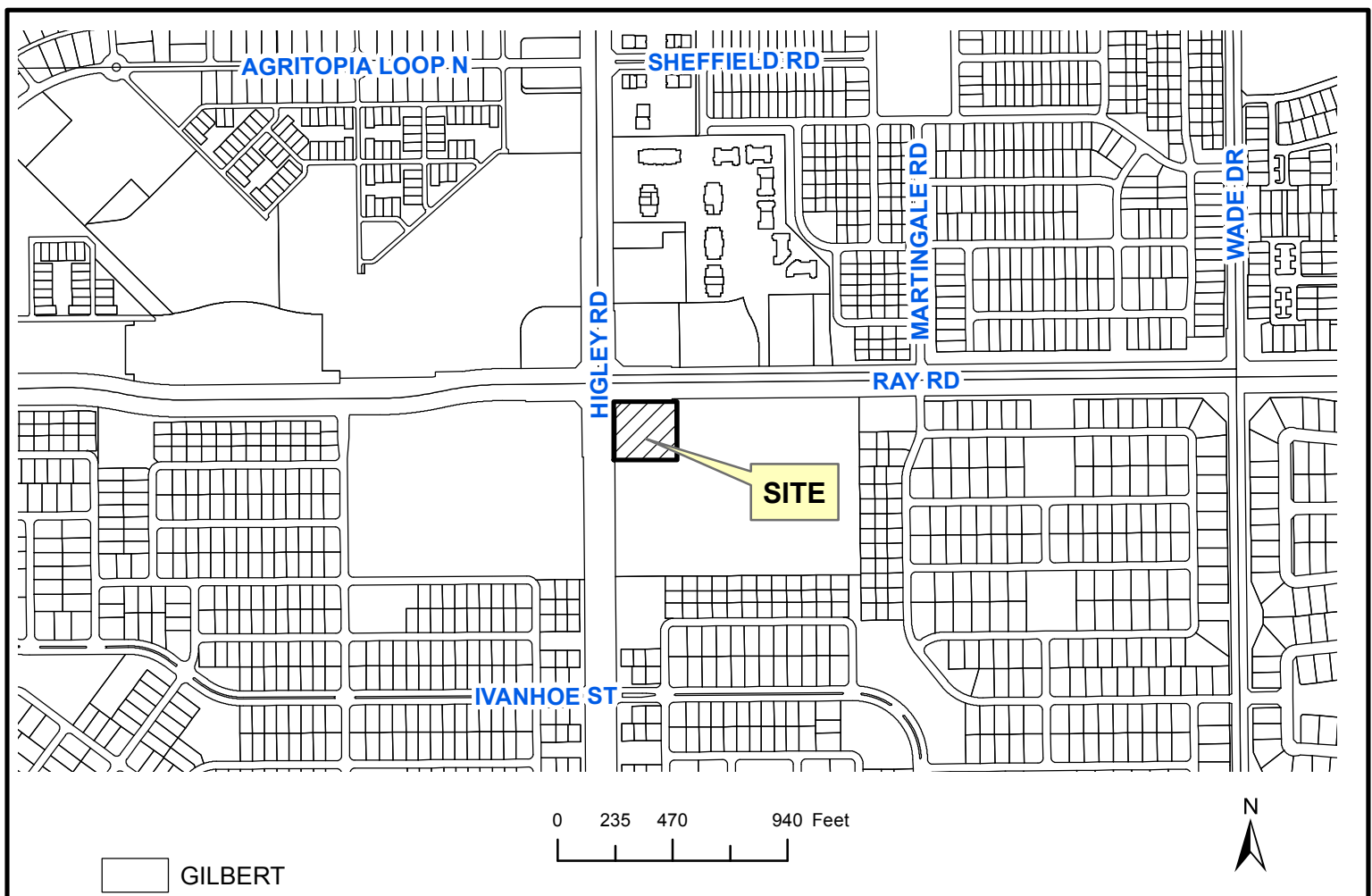
*** Call Planning Department to verify date and time: (480) 503-6700**

REQUESTED ACTION:

UP13-24 Dunkin Donuts: Request to approve a Conditional Use Permit for approximately 1.35 acres of real property located at the southeast corner of Higley Road and Ray Road to allow a Limited Service Restaurant with Extended Hours of Operation in the Neighborhood Commercial (NC) zoning district with a Planned Area Development overlay zoning district, subject to conditions required to limit impacts within the area.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

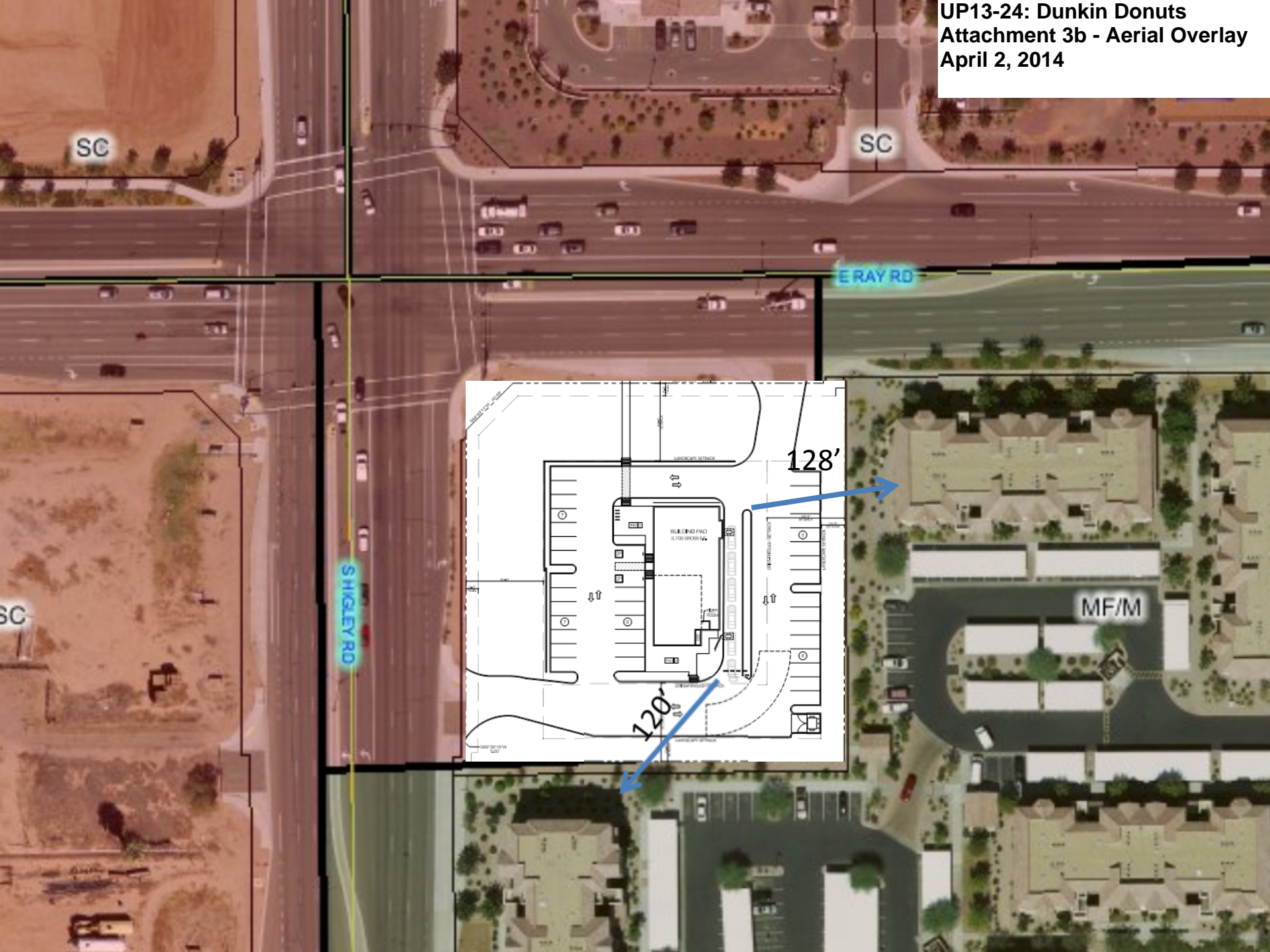
SITE LOCATION:



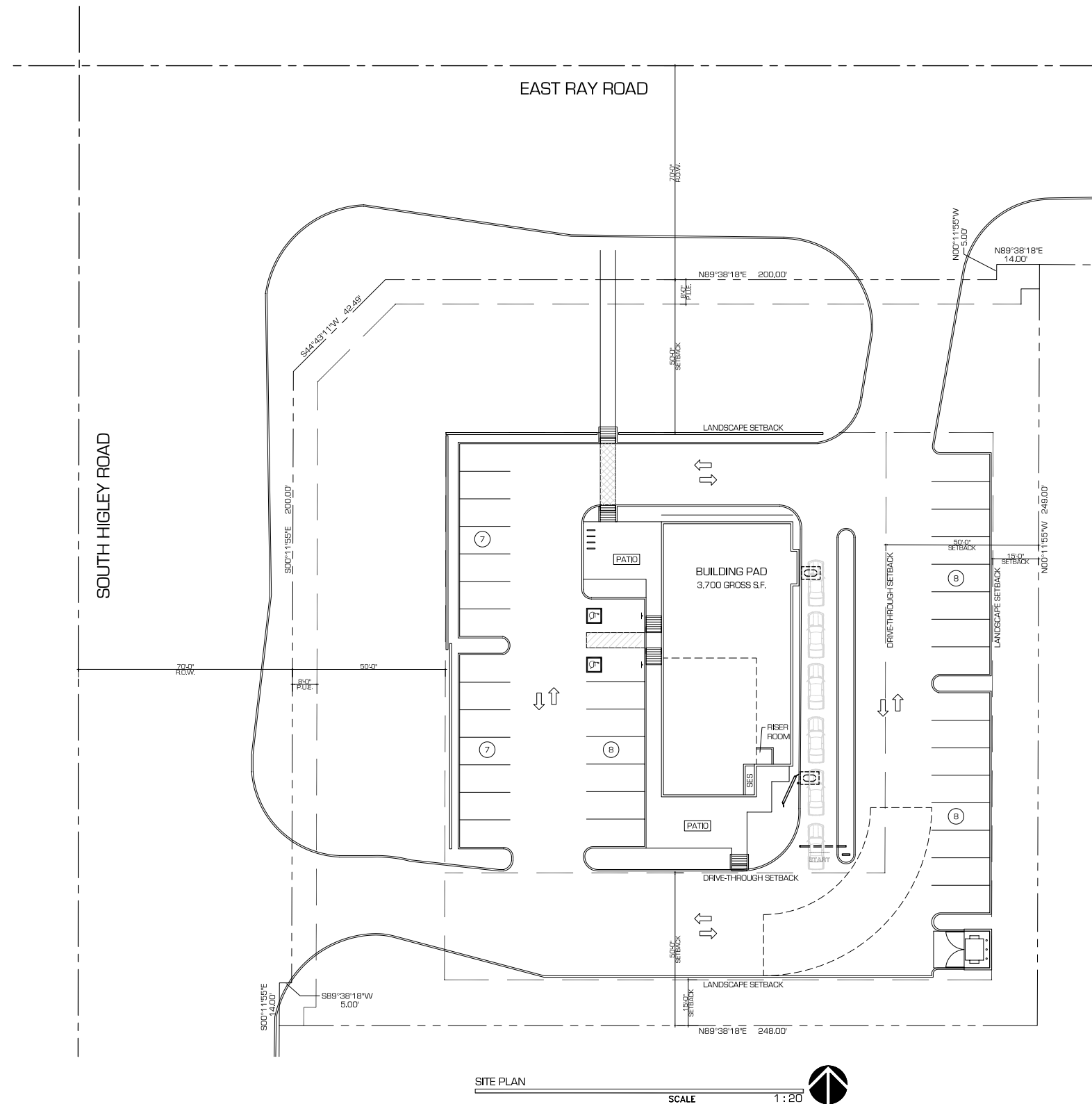
APPLICANT: Camelback Partners Groups LLC / Bar Napkin Productions TELEPHONE: (602) 980-4148 (602) 492-9494
CONTACT: Aaron Klusman / Haley Balzano
ADDRESS: 450 North McClintock Dr, Suite 102
Chandler, Arizona 85226

E-MAIL: Aklusman@camelbackpartners.com
Haley@bnp-LLC.com





**UP13-24: Dunkin Donuts
Attachment 4 - Site Plan
April 2, 2014**



PROJECT DATA

PARCEL: 304-39-016W
LOT SIZE: 1.36 ACRES (59,140 SF)
ZONING: NC
SCOPE: NEW RESTAURANT WITH DRIVE-THRU & RETAIL

PARKING CALCULATIONS

PER TABLE 4.204 OF THE TOWN OF GILBERT		
LAND DEVELOPMENT CODE		
RESTAURANT		
INTERIOR AREA -	3,700 SF/100;	37 SPACES
PATIO DINING AREA -	400 SF/400;	1 SPACE
<hr/>		
TOTAL REQUIRED:	38 SPACES (36 REGULAR + 2 ADA)	
TOTAL PROVIDED:	38 SPACES (36 REGULAR + 2 ADA)	



bar napkin productions, llc
808 e osborn rd . suite #101
phoenix, az 85014
602.492.9494
www.bnp-llc.com



DUNKIN
DONUTS
STORE #: PC-

PROJECT LOCATION

1633 S. HIGLEY RD.
GILBERT, AZ 85296

ISSUE DATE _____

DR PRE APP SUBMITTAL 11.21.13
DR PRE APP COMMENTS 01.15.13

SITE PLAN

BN1171

SP-1

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Date: 12.13.13

To: Town of Gilbert

Project Narrative:

We are proposing a new 3,600 sf building on the SEC of Ray Rd. and Higley Rd. The current zoning for this site is NC which permits limited service restaurants as conditional uses and will require a Use Permit. The Use Permit will be required to also allow any extended hours beyond the standard 6am to 11pm times and to permit a drive thru for the Dunkin Donuts.

The building will be retro inspired and will provide for multiple tenants which will be restaurant uses. The primary tenant will be a Dunkin Donuts restaurant, which will include a drive-thru along the East side. The site will be designed with adherence to the LDC as provided by the Town of Gilbert.

A DRB will also be required for this site which will include a site plan, Landscape plan, grading and drainage plan, elevations, building materials, building colors and lighting. Signage may be submitted separately or with this DRB.

